IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Crim. No. 15-00212 MCA

vs.

JAMAICO TENNISON,

Defendant.

ORDER DECLARING MISTRIAL

THIS MATTER comes before the Court on the Defendant's oral motion for a mistrial and the Court's finding that the jury was hopelessly deadlocked and unable to reach a unanimous verdict of this matter commencing on October 12, 2016. The Court finds that the jury retired to begin its deliberations at 1:20 p.m. on October 14, 2016 and deliberated until 4:50 p.m., at which time the foreman of the jury signed a note advising the Court that the jury was unable to agree on a unanimous verdict. The Court, in the presence of the Defendant and with the concurrence of counsel for both parties, instructed the jury to return to the jury room to consider whether further deliberations would be productive. At 5:15 p.m., the foreman of the jury signed a second note, advising the Court that the jury could not reach a unanimous verdict and that further deliberations would not result in a unanimous verdict. The Court, in the presence of the Defendant, and with the concurrence of counsel for both parties, polled the individual jurors. Each juror agreed that further deliberations would not produce a unanimous verdict. The Court consulted with counsel for both parties, both of whom agreed that it was necessary and appropriate to declare a mistrial.

At 5:26 p.m. on October 14, 2016, the Court found that further deliberations were not likely to lead to a unanimous verdict. In light of these findings and the relevant law, the Court hereby declares a mistrial based on manifest necessity.

IT IS THEREFORE ORDERED that a mistrial based on manifest necessity is declared in this matter and the jury is discharged.

SO ORDERED on this 17th day of October, 2016, in Albuquerque, New Mexico.

M. CHRISTINA ARMIJO
CHIEF UNITED STATES DISTRICT JUDGE